

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Document #

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U.S.C.A. #

U.S.D.C. # 07-cv-7070

JUDGE:

JSR

DATE:

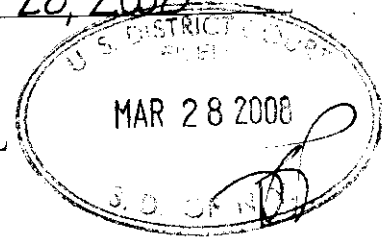
MAR. 28, 2008

Timong

-v-

Kratzman

INDEX TO THE RECORD ON APPEAL



PREPARED BY (NAME):

THOMAS R. PISARCZYK

FIRM:

U.S. DISTRICT COURT - SOUTHERN DISTRICT OF NEW YORK

ADDRESS:

500 PEARL STREET, ROOM 370

NEW YORK, NEW YORK 10007

PHONE NO.:

(212) 805 - 0636

DISTRICT COURT DOCKET ENTRIES

DOCUMENT DESCRIPTION

DOC. #

CLERK'S CERTIFICATE

SEE ATTACHED LIST OF NUMBERED DOCUMENTS

(X) Original Record

() Supplemental Record

The record in the above entitled case was indexed to the U.S.C.A
for the Second Circuit on the 28th Day of March, 2008.

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

Truong
 -v-
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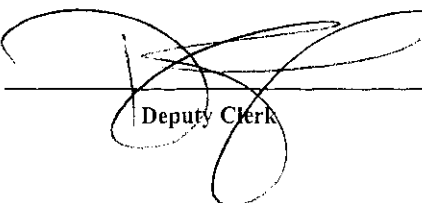
Clerk's Certificate

I, J. Michael McMahon, Clerk of the Court of the United States District Court for the Southern District of New York, do hereby certify that the certified copy of the docket entries and the original filed papers numbered 1 Through 8, inclusive, constitutes the Original record on appeal in the above entitled proceedings except for the following missing documents:

<u>Date Filed</u>	<u>Document Description</u>

In Testimony Whereof, I have caused the seal of said Court to be hereunto affixed, at the City of New York, this 28th Day of March In this year of our Lord, Two Thousand and Eight, and the Independence of the United States this 232ND year.

J. Michael McMahon, Clerk

By 
 Deputy Clerk

APPEAL, CLOSED

U.S. District Court
United States District Court for the Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:07-cv-07070-JSR
Internal Use Only

Truong v. Kratzman et al
Assigned to: Judge Jed S. Rakoff
Demand: \$5,000,000
Cause: 28:1346 Tort Claim

Date Filed: 08/08/2007
Date Terminated: 08/21/2007
Jury Demand: Plaintiff
Nature of Suit: 240 Torts to Land
Jurisdiction: U.S. Government Defendant

Date Filed	#	Docket Text
08/08/2007	1	COMPLAINT against Steven P. Kratzman, Mellinger Sanders, Kratzman LLC., Novalyn L. Winfield, Barbara Ostoth, Coldwell Banker Real Estate Corporation. (Filing Fee \$ 350.00, Receipt Number 623251) Document filed by Mac Truong (jpo) (Entered: 08/10/2007)
08/08/2007		SUMMONS ISSUED as to Steven P. Kratzman, Mellinger Sanders, Kratzman LLC., Novalyn L. Winfield, Barbara Ostoth, Coldwell Banker Real Estate Corporation. (jpo) (Entered: 08/10/2007)
08/08/2007		Magistrate Judge Kevin N. Fox is so designated. (jpo) (Entered: 08/10/2007)
08/16/2007	3	SUMMONS RETURNED EXECUTED. Barbara Ostoth served on 8/16/2007, answer due 9/5/2007; Coldwell Banker Real Estate Corporation served on 8/16/2007, answer due 9/5/2007. Service by personally upon the dfts. Document filed by Mac Truong. (dle) (Entered: 08/24/2007)
08/17/2007	4	SUMMONS RETURNED EXECUTED Summons and Complaint served. Steven P. Kratzman served on 8/16/2007, answer due 9/5/2007; Mellinger Sanders served on 8/16/2007, answer due 9/5/2007; Kratzman LLC. served on 8/16/2007, answer due 9/5/2007. Service made personally upon dfts. Document filed by Mac Truong. (dle) (Entered: 08/24/2007)
08/21/2007	2	ORDER OF DISMISSAL : Accordingly, this action is dismissed without prejudice to an application for reinstatement should the Plaintiff obtain leave of the Court to file this action in the manner outlined by Judge Scheindlin in her June 17, 2007, bar order, i.e., that he seek leave from a Magistrate Judge of this Court and refile the Complaint accompanied by documentation of that leave. (Signed by Judge Laura Taylor Swain on 8/20/07) Copies Mailed By Chambers.(tro) (Entered: 08/22/2007)
02/25/2008	4	MOTION for reinstatement of action on active calendar. Document filed by Mac Truong.(pl) (Entered: 03/03/2008)
02/26/2008	5	ORDER OF DISMISSAL Pro se Plaintiff Mac Truong filed the above-captioned action in his Court on August 8, 2008, seeking various relief against a trustee in his New Jersey bankruptcy proceeding, the judge in that proceeding and other parties, relating, among other things, to the status of certain property that was the subject of litigation in the New Jersey proceeding and to decisions rendered by the court in that proceeding. The undersigned dismissed the action, which is now closed, for failure to comply with the pre-authorization procedure established by the June 17, 2006, Order of Judge Scheindlin of this Court in by Notice of Motion submitted to Court's Pro Se Office on February 15, 2008, Plaintiff Truong applied for "reinstatement" of [this] action on active calendar." Truong's application is hereby DENIED, as his papers do not demonstrate that he has complied with the requirements of Judge Scheindlin's June 17, 2006, Order. It has, furthermore, come to the attention of the undersigned that the United States Bankruptcy Court for the District of New Jersey entered an order on February 14, 2008, in Case No. 03-40283, enjoining the debtors in that case and any entity action on their behalf from, among other things, filing any new action seeking relief against certain of the defendants in the above-captioned action without leave from the New Jersey Bankruptcy Court. In light of Judge Scheindlin's June 17, 2006, Order and Bankruptcy Court's February 14, 2008, Order, no further application for reinstatement of the instant action will be entertained by this Court absent proof that leave to litigate in this forum has been granted by the New Jersey Bankruptcy Court and by a Magistrate Judge of this Court, as required by Judge Scheindlin's Order. SO ORDERED. (Signed by Judge Laura Taylor Swain on 2/26/2008) (jmi) (Entered: 02/27/2008)
02/26/2008	6	REPLY to Defendants Construed Opposition to Plaintiffs motion for Reinstatement of the Instant Motion on Active Calendar and Other Appropriate Relief. Document filed by Mac Truong. (pl) (Entered: 02/29/2008)
03/24/2008	8	NOTICE OF APPEAL from 5 Order of Dismissal. Document filed by Mac Truong. (tp) (Entered: 03/27/2008)
03/24/2008		Appeal Remark as to 8 Notice of Appeal filed by Mac Truong. \$455.00 APPEAL FEE DUE. (tp) (Entered: 03/27/2008)
03/27/2008		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: 8 Notice of Appeal. (tp) (Entered: 03/27/2008)
03/27/2008		Transmission of Notice of Appeal to the District Judge re: 8 Notice of Appeal. (tp) (Entered: 03/27/2008)